



U.S. DEPARTMENT of STATE

Kuwait

Country Reports on Human Rights Practices - [2004](#)

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Kuwait is a constitutional, hereditary emirate ruled by the Al-Sabah family who governs in consultation with prominent families and community leaders. The 1962 Constitution empowers the Emir with executive and legislative authority and permits dissolution of the elected National Assembly by decree. The July 2003 parliamentary elections were generally considered to be free and fair; however, there were some credible reports of the Government and the opposition buying votes. Only 15 percent of citizens have the right to vote. Following the 2003 elections, the Emir appointed a new prime minister whose authority the Crown Prince previously held. The Crown Prince appoints government members; however, the elected National Assembly has at times influenced or overturned government decisions. The Constitution provides for some judicial independence; however, the judiciary was subject to government influence. The Emir appoints all judges, and the Government must approve the renewal of most judicial appointments.

The national police, the Criminal Investigation Department (CID), and Kuwait State Security (KSS) are responsible for internal security under the supervision of civilian authorities in the Ministry of Interior (MOI). Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed a number of serious human rights abuses.

The country has a small, relatively open, market-based economy dominated by the oil industry and the government sector. Of a total population of approximately 2.645 million, an estimated 1.7 million are foreigners. Oil export revenues accounted for nearly half of the Gross Domestic Product (GDP). The government sector accounted for 87.5 percent of citizen employment while foreigners constituted more than 90 percent of the private sector workforce. According to international estimates, real GDP grew 2.3 percent in 2003 to \$36.3 billion. Wages in the public sector, which employs 90 percent of citizens, did not increase with inflation. High citizen population growth coupled with a large influx of foreign workers has caused GDP per capita to decline in recent years. Domestic servants and unskilled workers often lived and worked in poor conditions.

The Government's human rights record remained poor, and serious problems remained. Citizens do not have the right to change their government. Some police and members of the security forces reportedly abused detainees during interrogation. Overcrowding in the prisons continued to be a significant problem. There were some reports of mistreatment of noncitizen prisoners. The judiciary was subject to government influence. The Government infringed on citizens' privacy rights in some areas. The Government placed some limits on freedom of speech and the press. The Government restricted freedom of assembly and association. The Government placed some limits on freedom of religion and freedom of movement. Violence and discrimination against women, especially noncitizens, continued to be a serious problem. Judicial authorities discriminated against non-citizens, especially foreign laborers. The legal status of tens of thousands of "bidoon" Arabs with residence ties but no documentation of their nationality remained unresolved. The Government restricted worker rights to organize and bargain collectively, and form unions. Domestic servants remained marginalized and lacked a system to protect their rights, monitor working conditions, and resolve labor disputes. Unskilled foreign workers continued to suffer from the lack of a minimum wage in the private sector, government failure to enforce some Labor Law provisions effectively, and, at times, physical or sexual abuse at the hands of their employers. Some worked under conditions that constituted indentured servitude. Young boys, usually from South Asia, continued to be used as jockeys in camel races.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

The fate of 572 Kuwaitis (including 29 bidoon) and 33 other residents taken prisoner during Iraq's occupation of the country in 1990-91 remained a highly emotional issue. The remains of more than 200 of these missing were identified by DNA tests from mass graves found in Iraq after the fall of the Saddam Hussein regime. The Tripartite Commission on Gulf War Prisoners of War (POWs) and Missing Persons (TPC) resumed functioning with Iraqi participation shortly after the end of major hostilities in Iraq.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, some police and members of the security forces reportedly abused detainees during interrogation. Reported mistreatment included torture and other physical abuse. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, than on citizens. The Government stated that it investigated all allegations of abuse and punished at least some of the offenders; however, in most cases, the Government did not make public either the findings of its investigations or punishments it imposed.

In August, 14 Jihadi Islamists, detained on charges of recruiting youths to conduct attacks against coalition forces in Iraq, threatened to begin a hunger strike over claims that they had been coerced physically and verbally into making confessions. An Interior Ministry statement said that security officials "convinced [the detainees] such a step was not needed."

In August, three policemen were arrested for allegedly raping a runaway Asian maid at a police station and at another location. The maid's country's Embassy reported the incident to the police, and an investigation was ongoing at year's end.

In September, four freed Jihadists claimed to have confessed to crimes after being tortured by security officials. They were reportedly held in isolation and went on a hunger strike for 3 days. They further claimed that they ended their strike upon further threats of abuse. Government officials claimed that no reports of abuse relating to this case were filed by lawyers representing Jihadi suspects and stated that all inmates received fair and equal treatment. The Justice Minister publicly supported investigations into the allegations of abuse against Jihadi suspects.

In November 2003, three policemen reportedly raped a Filipina domestic servant while she was in police custody at a district police station. The Philippine Embassy filed a criminal case against the officers in December 2003 on behalf of the domestic servant, which was settled out of court this year.

In 2002, there were several allegations of police officials and security personnel abusing detainees while in police custody; however, there were no new developments in these cases during the year.

Defendants have the right to present evidence in court that they were mistreated during interrogation; however, the courts frequently dismissed abuse complaints because defendants were unable to provide physical evidence of abuse. Members of the security forces routinely did not reveal their identities during interrogation, complicating confirmation of abuse.

Prison conditions, generally met international standards, and the Government permitted visits by independent human rights observers. A new men's prison opened during the year, and prisoner transfers took place reducing previously severe overcrowding conditions. The new facility houses approximately 800 prisoners and meets all international standards for prisons.

In recent years, credible reports from former inmates and the National Assembly's Human Rights Defense Committee (HRDC) cited severe overcrowding (13-15 inmates per cell), lack of beds, poor sanitation, lack of clean toilet and washing facilities, poor ventilation, and inadequate containment of infectious diseases as common problems. The Government allowed the International Committee of the Red Cross (ICRC) access to all prisons and detention facilities (see Section 4).

There were some reports of mistreatment of non-citizen prisoners at the Central Prison. In recent years, it has been reported that some deportees at the deportation facility in Shuwaikh were incarcerated for 6 months or longer pending deportation. Deportees reportedly often wait months for their former employers to cancel their residency and work permits or to provide their travel documents.

The Government held men and women in separate detention facilities. There were reports that prison conditions for non-citizens, including women, were less favorable than conditions for citizens. The Government held pretrial detainees separately from convicted prisoners. Juveniles were incarcerated separately from adults in a Juveniles Prison.

Inmates undergo a routine medical exam before they are incarcerated with other prisoners; however, a report by the HRDC in 2003 cited tuberculosis infection among inmates and staff as a major problem. During the year, four inmates were reportedly suffering from HIV/AIDS.

Drug-related offenders comprised a slight majority of the inmate population. The Government provided educational and rehabilitation programs for inmates, psychological counseling, and specialized courses for inmates suffering from drug and alcohol addiction. An Islamic educational facility under the supervision of the Ministry of Awqaf and Islamic Affairs with a capacity to accommodate 600 inmates and 3 other specialized learning facilities provided religious, computer, carpentry, and other

practical skills training to inmates.

Local human rights monitors were allowed to visit prisons. The HRDC closely monitored prison conditions throughout the year, the ICRC, which maintains an office in the country, visited some detainees during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. In general, police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (see Section 1.f.), although in misdemeanor cases the arresting officer may issue them. There were some credible reports of police arresting and detaining foreigners without a warrant, based on accusation by a third party. There were no reported deaths in detention from beatings or severe mistreatment.

According to the penal code, those suspected of serious crimes may be held for up to 4 days without charge, during which security officers may prevent lawyers and family members from visiting them. In such cases, lawyers are permitted to attend legal proceedings, but are not allowed to have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial.

The police constitute a single national force under the purview of civilian authorities of the Ministry of Interior.

During the year, there were credible reports of police corruption and abuse of detainees during interrogation (see Section 1.c.). The Government relieved several security officials of their duties during 2003 as a result of credible allegations of abuse of detainees during interrogation. There were no reported Government efforts during the year to reform the police or security forces.

On October 18, the Criminal Court began trial of 12 citizens charged with involvement in the October 2002 attack that led to the death of a foreign marine on Failaka Island. The Government released 2 of the 12 suspects on bail. In June, the Criminal Court sentenced a citizen to death for shooting two foreign civilians, one fatally, in January near Camp Doha. The citizen appealed the verdict and, on October 28, the Court of Appeals commuted the death sentence to life in prison, affirmed by the Court of Cassation in December despite the Public Prosecutor's appeal to uphold the capital sentence. The Criminal Court sentenced three accomplices to varying terms in prison.

Of the approximately 3,700 persons serving sentences or being detained pending trial, approximately half were being held on security grounds, including some held for collaborating with Iraq during the occupation. There were approximately 500 foreigners including 28 bidoon, held in detention facilities. The Government did not return deportees to their countries of origin forcibly, allowing those who objected to remain in detention (see Section 2.d.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary and the right to a fair trial and states that "judges shall not be subject to any authority"; however, the Emir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, the majority of judges were non-citizens. Non-citizen judges hold 1- to 3-year renewable contracts, which undermine their independence. The Ministry of Justice may remove judges for cause, but rarely does so. Foreign residents involved in legal disputes with citizens frequently claimed that the courts showed bias in favor of citizens.

The secular court system tries both civil and criminal cases. The Court of Cassation ("Supreme Court") is the highest level of judicial appeal. There is also a specialized constitutional court, though its members are all senior judges from the civil judiciary. It has the authority to issue binding rulings concerning the constitutionality of laws and regulations. The court also rules in election disputes.

Sunni and Shi'a Muslims have recourse to their own independent courts for family law cases. Secular courts barred no groups from testifying and considered male and female testimonies equally; however, in the family courts, the testimony of a man was equal to the testimony of two women. By law, criminal trials are public unless a court or the Government decides that "maintenance of public order" or "preservation of public morals" necessitates a closed trial. There is no trial by jury.

Defendants have the right to confront their accusers and appeal verdicts. The Emir has the constitutional power to pardon or commute all sentences. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. The Bar Association is obligated upon court request to appoint an attorney without charge for indigent defendants in civil, commercial, and criminal cases. Virtually all indigent criminal defendants asked for and received free counsel; however, in practice very few indigent civil and commercial plaintiffs requested this service.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeals, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. Decisions of the High Court of Appeals may be presented to the Court of Cassation, which conducts a limited, formal review of cases to determine only whether the law was

applied properly.

There were no reports of political prisoners during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for individual privacy and the sanctity of the home, and the Government generally respected these rights in practice. The law generally requires police to obtain a warrant to search both public and private property; however, it permits searches without warrant if alcohol or narcotics are suspected on the premises or if police are in pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the State Prosecutor or, in the case of searches of private property, from a judge (see Section 1.d.). The security forces occasionally monitored the activities of persons and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires male citizens serving in the military to obtain government approval to marry foreign nationals. In practice, the Government only offers its advice (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution (Articles 36 and 37) provides for freedom of speech and the press "in accordance with the conditions and in the circumstances defined by law"; however, the Government imposed some restrictions on these rights in practice. Journalists continued to practice self-censorship.

The Press Law prohibits the publication of any direct criticism of the Emir, official government communications with other states, and material that serves to "attack religions" or "incite people to commit crimes, create hatred, or spread dissension among the public." For violation of the law, Article 28 provides a maximum imprisonment of 6 months, raised to 1 year if repeated. Administrative punishments are also possible like confiscation, closure, and withdrawal of licenses without a court ruling. The criminal law also contains an array of charges which can be brought to bear, such as offense to religious sensibilities, public morality, and destroying the "basic convictions of the nation."

In May 2003, the Government presented a new draft press law that would severely restrict press freedom by giving the Government power to close printing presses, veto advertisements, suspend publication of newspapers, and subject articles to pre-publication censorship (a practice the Government banned in 1992). Local newspapers sharply criticized the proposed law. The law was reintroduced this year, but the National Assembly had not voted on it at year's end.

In October, a new satellite television channel, Al-Rai, was launched. The private satellite channel, affiliated with its sister company Al-Rai Al-Aam newspaper, will expand television broadcasting in the country by introducing the first private news channel in the country.

The Government, through the Ministry of Information, threatened to impose penalties against individual publishers and editors believed to have criticized government policies or discussed subjects deemed offensive to Islam, tradition, or the State.

In June 2003, the Government filed charges against the publisher and editor in chief of a prominent newspaper for "challenging the authority of the Emir" after the editor stated publicly that unnamed members of the ruling family were interfering in the parliamentary election campaign (see Section 3). The case had not gone to court by year's end. In December 2003, police arrested, detained, and interrogated a citizen for producing and distributing an audiotape allegedly defaming the Prophet Mohammed's companions and was sentenced without being present at the trial to 10 years in jail in May.

The country has five Arabic and two English language daily newspapers. All newspapers are independent and privately owned.

The Government ended prepublication censorship in 1992. However, the Government still uses this form of censorship when it chooses, and journalists continued to practice self-censorship.

In September, 25 advertisement magazines were suspended due to violation of article 35 of the Press and Publication Law. The law gives the Cabinet the right to suspend newspapers for a period not to exceed 2 years or to revoke its license if it is proved that it serves the interests of a foreign state or organization or if what it publishes contradicts the national interest. Further, according to article 25, the Information Minister can subject periodical publications to pre-publishing censorship. Violators can be penalized with imprisonment of 1 to 3 years and fined between \$10,200 and \$17,000 (3,000 to 5,000 KD).

In 2002, the Government closed down the offices of and expelled the Arab satellite network Al-Jazeera on allegations of defaming the Government.

Publishers must obtain an operating license from the Ministry of Information to begin publishing a newspaper. There is no appeal

to the courts if the license is not granted. Publishers may lose their license if their publications do not appear for 6 months, which prevents publishers from publishing sporadically. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters.

There were no specific reports of security forces subjecting journalists to violence or harassment during the year. In December 2003, security officials arrested a police officer for reportedly verbally and physically assaulting a journalist. In 2002, police confiscated film belonging to a press photographer covering a public disturbance. Police officials did not provide any explanations regarding the action taken toward the photographer.

Fawwaz Muhammad Al-Awadi Bessisso and Ibtisam Berto Sulaiman Al-Dakhil, two journalists, were sentenced to life in prison in 1991 because of their work with a newspaper that published under Iraqi occupation. The Government, which found the two guilty of cooperating with the authorities of the Iraqi occupation, deported one of the journalists to France in 2003 while the other reportedly departed the country.

The law requires jail terms for journalists who defame religion (see Section 2.c.). The law provides that any Muslim citizen may file criminal charges against an author if the citizen believes that the author has defamed Islam, the ruling family, or public morals. Often, citizens filed such charges for political reasons.

The Government owns and controls local radio and five television channels. Satellite dishes were widely available and operate without restriction. However, the Ministry of Information censored all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. The Ministry of Information censored media for political content and did not grant licenses to political magazines. The Ministry of Information controlled the publication and distribution of all informational materials.

According to the latest statistics, there were an estimated 500,000 Internet users. The Government threatened to shut down private Internet cafes for noncompliance with new restrictive regulations in 2002, which required Internet service providers to block some political sites and those deemed immoral. Following the 2002 raid of 19 Internet cafes, the Ministry of Communications required cafe owners to obtain the names and civil identification numbers of customers and to submit the information to the Ministry upon request. The law provides for a \$162,500 (50,000 dinar) bond.

The Constitution provides for freedom of opinion and of research; however, academic freedom is limited by self-censorship, and academics were legally prohibited from criticism of the Emir or Islam.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Public gatherings require government approval. The Constitution protects informal weekly social and political gatherings of men (diwanias). Most adult male citizens, including the Emir, members of the Government, and members of the National Assembly hosted or attended diwanias to discuss current events. The diwaniya system provided an important forum for public debate on political, social, and economic issues. Women were not precluded from holding diwanias of their own; however, such diwanias were uncommon. Traditionally, women do not attend male diwanias, although a few diwanias are open to both sexes.

There were a few public demonstrations during the year. Demonstrators were orderly and the police did not interfere in most cases. In May, Islamic activists rallied to protest the sponsoring of a pop music concert for 'Star Academy' performers. During the same month, a gathering of citizens protested against environmental pollution and liberal citizens protested to express their dissatisfaction over the constraints imposed by the government on music concerts. On April 20, approximately 700 persons held a peaceful protest march denouncing the killings of HAMAS leaders Sheikh Ahmed Yassin and Abdel Aziz Rantissi. The Ministry of Interior tightly controlled the march and banned provocative banners and slogans.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. The law prohibits associations from engaging in political activities. The Government banned political parties; however, several unofficial blocs existed and were active in the National Assembly. In 2003, candidates were allowed to run for elections only as individuals and not with a party (see Section 3); however, in many cases, a candidate's party affiliation was well known and may have influenced electoral performance.

The Government used its power to license as a means of political control. There are 54 licensed, official nongovernmental organizations (NGOs) in the country, including professional groups, a bar association, and scientific bodies. The Ministry licensed only one NGO during the year--the Kuwait Human Rights Society, an NGO with approximately 500 members, which waited 12 years before being approved for a license. There were 91 NGOs pending licensing by the Ministry; many have been waiting years for approval.

Licensed NGOs received government subsidies for their operating expenses, including travel and per diem expenses for participating in international conferences. The ministry has rejected license requests on the grounds that established NGOs already provide services similar to those proposed by the petitioners. Members of licensed NGOs must obtain permission from the ministry in order to attend international conferences (see Sections 2.d. and 4).

There are hundreds of unlicensed civic groups, clubs, and unofficial NGOs in the country. These unofficial associations do not receive government subsidies and have no legal status.

The Government reportedly did not shut any unlicensed NGOs or unregistered branches of Islamic charities during the year. Unlike in previous years, the Government did not remove any unlicensed street-side charity boxes during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government placed some limits on this right in practice. The Constitution also provides that the State protect the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals. The Constitution states that Islam is the state religion and that Shari'a (Islamic Law) is "a main source of legislation."

The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Officially recognized churches must deal with a variety of government entities, including the Ministry of Social Affairs and Labor (for visas and residence permits for pastors and other staff) and the Municipality (for building permits). While there reportedly was no official government "list" of recognized churches, seven Christian churches have at least some type of official recognition that enables them to operate openly. These seven churches (Roman Catholic, Anglican, National Evangelical, Greek Orthodox, Armenian Orthodox, Coptic Orthodox, Greek Catholic) have open "files" at the Ministry of Social Affairs and Labor, allowing them to bring in staff. In October 2003, the Government closed the National Evangelical Church's file, reportedly due to its alleged failure to comply with the National Manpower Support Law by employing the requisite number of citizens of the country. At year's end, the Government reinstated its open file status.

By tradition, three churches benefit from full government recognition and are allowed to operate compounds officially designated as churches. These are the Catholic Church (which includes two separate churches, the Latin Catholic and the Maronite), the Anglican Church, and the National Evangelical Church. However, there are quotas on the number of clergy and staff that each church can bring into the country.

There were reports in previous years of at least two groups that applied for permission to build their own churches; however, the Government has yet to respond to their requests.

The Government continued to discriminate against the Shi'a minority. There are approximately 300,000 Shi'a citizens (one third of Kuwaiti citizens) and approximately 100,000 Shi'a non-citizen residents. Shi'a remained disadvantaged in the provision of mosques, access to Shi'a religious education, and representation in upper levels of Government. There are approximately 30 to 40 Shi'a mosques and approximately 1,200 Sunni mosques. There is no independent Shi'a seminary. Shi'a must travel to Iran or Iraq for clerical training. Five Shi'a were elected to the 50-seat National Assembly in July 2003, compared to 6 Shi'a in the previous National Assembly. The Government allows Shi'a to follow their own jurisprudence in matters of personal status and family law at the first-instance and appellate levels. In October 2003, the Government approved a long-standing Shi'a request to establish a Shi'a Court of Cassation to handle Shi'a personal status and family law cases.

Shi'a were free to worship without government interference, and the overall situation for Shi'a improved somewhat during the period covered by this report. Since 2000, the Government has granted licenses for and has approved the construction four new Shi'a mosques. All four mosques were still reportedly under construction.

Shi'a leaders have complained that Shi'a who aspire to serve as imams are forced to seek appropriate training and education abroad due to the lack of Shi'a jurisprudence courses at Kuwait University's College of Islamic Law, which only offers Sunni jurisprudence. The Ministry of Education reviewed a Shi'a proposal to establish a private college to train Shi'a clerics within the country; however, at year's end, no action had been taken on the proposal.

The country's Shi'a population has been allowed more public celebrations of their religious traditions. During the year, Shi'a were permitted for the first time to publicly reenact the Battle of Karbala, and Shi'a clerics were granted television airtime during the Ashoura day celebration.

Members of religions not sanctioned in the Koran, such as Sikhs, Hindus, Baha'is and Buddhists, are not permitted to build official places of worship as these religions lack legal status. However, they are allowed to worship privately in their homes without government interference.

While some discrimination based on religion reportedly occurred on a personal level, most observers agreed that it was not widespread. There was a perception among some domestic employees and other members of the unskilled labor force, particularly Asian nationals, that they would receive better treatment from employers as well as society as a whole if they converted to Islam.

There were no reports of anti-Semitic activity on behalf of the Government. Examples of unofficial anti-Semitic commentary from the media and from some mosque preachers did surface. The Government has taken no action to enact laws relating to the protection of the rights to religious freedom of Jews, although there is no significant Jewish community present. There have been

instances of anti-Semitic rhetoric in government-sponsored education curricula, specifically in reference to the Arab-Israeli conflict.

The Government prohibits proselytizing to Muslims; however, the Government permits Christian churches to serve non-Muslim congregations. The law prohibits organized religious education other than Islam; however, the Government did not enforce this law rigidly, and such education took place. Although informal religious instruction occurred inside private homes and on church compounds without government interference, there were credible reports that government inspectors periodically visited public and private schools outside church compounds to ensure that no religious teaching other than Islam took place. There were also credible reports that government inspectors periodically observed church worship services to monitor the content of information for possible anti-Government or proselytizing rhetoric.

The Islamic Presentation Committee (IPC), under the authority of the Ministry of Awqaf and Islamic Affairs, actively encouraged proselytizing to non-Muslims.

The law prohibits the naturalization of non-Muslims; however, citizens who were Christians before 1980 (and children born to families of such citizens since that date) were allowed to transmit their citizenship to their children.

By law, a non-Muslim man must convert to Islam when he marries a Muslim woman if the marriage is to be legal in the country. The law forbids marriage between Muslim women and non-Muslim men (see Section 1.f.). By law, a non-Muslim woman does not have to convert to Islam to marry a Muslim man, but it is to her advantage to do so. In practice, many non-Muslim women faced tremendous economic and societal pressure to convert. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of children, even those who most likely would have been left in the mother's custody if she were Muslim. Failure to convert may also mean that as a non-Muslim woman, she would not be eligible to inherit her husband's property.

A few Muslim converts to Christianity reported harassment and discrimination by police and employers, including termination of employment, repeated summonses to police stations for questioning, verbal abuse, police monitoring of their activities, and imposition of fines without due process.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution does not provide for the rights of freedom of movement within the country, freedom of foreign travel, or freedom to emigrate. The Government placed some limits on freedom of movement in practice. Citizens have the right to travel freely within the country and to change their workplace as desired. Unmarried women must be 21 years of age or older to obtain a passport and travel abroad without permission of a male relative. Married women must obtain their husbands' permission to apply for a passport. A married woman with a passport does not need her husband's permission to travel, but he may prevent her departure from the country by placing a 24-hour travel ban on her through immigration authorities. After this 24-hour period, a court order is required if the husband still wishes to prevent his wife from leaving the country. In practice, however, many travel bans were issued without court order, effectively preventing citizens (and foreigners) from departing.

All minor children under 21 years of age require their father's permission to travel outside the country. There were reports of citizen fathers and husbands confiscating their children's and wives' travel documents to prevent them from departing.

The Constitution prohibits the deportation or forced exile of citizens, and there were no reports of such practices during the year. The penal code stipulates that noncitizens convicted of felonies must be deported after finishing their jail terms, and in certain circumstances, citizens may have their citizenship revoked. This provision includes citizens sentenced for felonies during the first 10 years of attaining citizenship, citizens discharged from a public job for "acts against integrity" during the first 10 years of attaining citizenship, and citizens who take up residence in a foreign country and join an authority that is designed to undermine the country.

Citizens were largely free to emigrate and to return. Security forces occasionally set up checkpoints to detain individuals for immigration purposes and to apprehend undocumented aliens.

The law permits the Government to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The law also permits any citizen to petition authorities to place a travel ban against any other person suspected of violating local law. In practice, this has resulted in many citizens and foreigners being prevented from departing the country without investigation or a legal case being brought before a local court. This practice has become less prevalent in recent years, but it still persists. Although illegal, many citizen employers routinely confiscate the passports of foreign employees, which forces them to remain in the country against their will. There does not appear to be any concerted government effort to prevent employers from engaging in this practice.

Members of licensed NGOs must obtain government approval to attend international conferences as official NGO representatives (see Sections 2.b. and 4). The Government severely restricted the ability of its bidoon population to travel

abroad (see Section 5). However, the Government permitted some bidoon to travel to Saudi Arabia during the year for the annual Hajj pilgrimage.

The Government permitted the ICRC to verify if deportees objected to returning to their countries of origin; it detained those with objections until they either changed their minds or made alternative arrangements to travel to another country.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government did not grant refugee status or asylum. The Constitution prohibits the extradition of political refugees. The Government stated that it did not deport persons who claimed to fear persecution in their home countries; however, it often kept such persons in detention rather than grant them permission to live and work in the country. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The Constitution provides that the elected National Assembly has a limited role in approving the Emir's choice of Crown Prince (the future Emir). If the Assembly rejects the Emir's nominee, the Emir then submits three names from which the Assembly must choose the new Crown Prince. The only citizens who have the right to vote and seek election to the National Assembly are males age 21 and over, who have been citizens for at least 20 years, and are not members of the armed forces, police, or other uniformed personnel of the Ministry of Interior.

Under the Constitution, the Emir holds executive power and shares legislative power with an elected National Assembly. The Emir appoints the prime minister, who presides over a 16-member Cabinet (Council of Ministers), who he chooses in consultation with the Emir. In accordance with the practice of the ruling family (but not specifically the Constitution), the prime minister always has been the Crown Prince; however, in an unprecedented development in July 2003, the Emir named one of his brothers, who was then serving as Foreign Minister, as Prime Minister who promptly formed a new Cabinet.

The Constitution empowers the Emir to suspend its provisions and to rule by decree. The Constitution provides that cabinet members sit in the National Assembly and vote on legislation. At least one member of the Cabinet must be an elected member of the National Assembly.

There are 50 elected National Assembly members and 15 cabinet members appointed by the Emir who sit as ex-officio members. Members of Parliament (MPs) serve 4-year terms, and the most recent National Assembly elections were held in July 2003. The Government banned political parties; however, several well-organized and unofficial blocs, acting much like political parties, existed and were active in the National Assembly. Because of the ban on political parties, National Assembly candidates must nominate themselves as individuals and may run for election in any of the country's 25 constituencies. The top two finishers in each constituency are elected in single-round balloting.

The Constitution provides that the National Assembly can overturn the Emir's decrees, but only those made when the National Assembly is not in session. The National Assembly exercised this authority in previous years in some cases; however, the National Assembly did not amend any of the Emir's proposals during the year.

Members regularly require ministers to appear before the full National Assembly for formal inquiries, known as "grillings," when MPs are dissatisfied with their or the ministry's performance. On occasion, pressure exerted by the National Assembly, including through votes of no confidence, has led to the resignation or removal of ministers.

The July 2003 National Assembly elections were generally free and fair, although there were some credible reports of government and opposition vote buying, illegal and unevenly held tribal primaries (by-elections), ballot box tampering in some constituencies, and lax enforcement of some election laws. Recounts were ordered and undertaken in 2 of the 25 electoral districts due to allegations of vote fraud. During 2003, candidates from several constituencies filed court petitions challenging the July 2003 National Assembly election results on allegations of ballot box tampering. In December 2003, the Constitutional Court dismissed these petitions.

Women continued to be denied the right to vote and to run for office; they had little opportunity to influence the Government. There were no women in the National Assembly and no women in the Cabinet. Women held some relatively senior nonpolitical positions within some ministries.

The new prime minister appointed one minority Shi'a member to the 16-member Cabinet as the Minister of Information. Of 50 elected National Assembly members, 5 were Shi'a.

Several tribes conducted illegal primaries (by-elections) to select candidates for participation in the National Assembly elections held in July 2003. Such primaries are limited to tribe members and thus do not include all eligible voters in a given electoral constituency. Some Shi'a claimed that if they had held such primaries as other groups did (in violation of election laws), they

would have gained more seats in the National Assembly. In December 2003, the National Assembly's Legislative and Legal Affairs Committee approved requests from the Public Prosecutor to lift the parliamentary immunity of four parliamentarians suspected of participation in illegal tribal primaries held before the July elections.

Allegations of corruption on the national level arose during the year. In December, the Deputy Prime Minister faced various charges of corruption including mismanagement and negligence resulting in the loss of \$260 million (77 million KD) to the Kuwait Municipality. The government official was not found guilty of wrongdoing during a grilling by Ministers of Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government permitted the existence of NGOs; however, it continued to deny licenses to some NGOs. The only local human rights NGO is the Kuwait Human Rights Society (KHRS), which was licensed during the year as an officially recognized NGO. The KHRS produces an annual report on human rights in the country, publishes a quarterly magazine, and meets some senior government officials occasionally. It reportedly paid for the legal fees and the return travel of an abused Indian maid in 2002, who had been severely beaten by her employer in a high-profile domestic abuse case.

The Government permitted international human rights organizations to visit the country and to establish offices. Several organizations conducted fieldwork and reported good communication with and reasonable cooperation from the Government.

The Government has cooperated fully in the work of the U.N. Special Rapporteurs for Iran and Iraq and the high-level representative of the Secretary General on the issue of its citizens missing in Iraq since the end of the Gulf War.

The Government has not yet submitted the remaining two of eight conventions from the International Labor Organization's (ILO) Declaration of Basic Rights at Work to the National Assembly for ratification (see Section 6).

The National Assembly has an active Human Rights Defense Committee, which took testimony in 2003 from individuals regarding abuses, investigated conditions in prisons and nursing homes, and made nonbinding recommendations for redress. Despite its designation as an advisory body, the HRDC has shown that, in practice, it is able to mobilize government agencies to address significant human rights problems.

During the year, the children of stateless bidoon were granted free education in the school system, through the Ministry of Education. This followed efforts in 2003 by the HRDC, which focused particular attention on the issue of access to public education for bidoon children. HRDC members questioned the Minister of Education before the National Assembly on the issue. The committee also issued a report critical of Central Prison conditions during the year. It did not issue a human rights report during the year.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, national origin, language, and religion; however, in practice, the Government did not uniformly or consistently enforce laws against discrimination. Many laws and regulations discriminated against women and non-citizens. There were no specific reports of any official or societal discrimination against persons with HIV/AIDS; however, the Government tightly controlled HIV testing, and foreign workers who have HIV/AIDS were often deported.

Women

Violence against women continued to be a serious and overlooked problem. Certain provisions of the penal code reduce or eliminate penalties for violent crimes committed by men against women. Each of the country's 54 police stations reportedly received weekly complaints of spousal abuse, approximately 60 percent of which involved spousal abuse of non-citizen women. The police and the courts generally sought to resolve family disputes informally, but they referred a few serious cases to the Ministry of Health.

The courts have found husbands guilty of spousal abuse; however, most domestic abuse cases are not brought to court, and abusive husbands, if convicted, rarely face severe penalties. Typically, husbands accused of domestic abuse must pay a nominal fine and sign a pledge of good conduct. Police officials typically regard domestic violence as a private family affair and are reluctant to bring such cases to the attention of higher investigative authorities. In February, police arrested a man for allegedly killing his wife in their home during a domestic dispute.

There are no shelters or hotlines for victims of domestic violence. Many non-citizen women married to citizen men reported domestic abuse and inaction or discrimination by police during the year. By law, a victim of domestic violence may file a complaint with the police and request that formal charges be brought against the abuser. In practice, however, even with documented evidence of the abuse (such as hospital reports, eyewitness accounts, and social worker testimony), police officials rarely take into custody perpetrators of domestic violence. An abused woman may petition for divorce based on injury, but the law provides no clear legal standard as to what constitutes injury, and a woman must provide at least two male witnesses (or a

male witness and two female witnesses) to attest to the injury committed. There were some reports of individuals bribing police officials to ignore charges of domestic abuse. The law prohibits rape and provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from holding public jobs.

In October, a Kuwaiti man was arrested for assaulting his wife. He was still beating his wife when police intervened.

Rape and sexual assault remained serious problems, particularly for domestic servants and other foreign workers. Local newspapers highlighted dozens of rape and sexual assault incidents during the year, mostly involving female expatriates.

The police occasionally arrested rapists, and several were tried and convicted during the year; however, laws against rape were not always enforced effectively. In October, police arrested five men, three Kuwaitis and two citizens of the Dominican Republic, for allegedly kidnapping and raping a Filipina maid in September. In August, a female member of the U.S. Army accused an Egyptian man of raping her inside her hotel room in Kuwait City in August. At year's end, the case was ongoing. In March, the Appeals Court upheld a verdict of the Criminal Court sentencing a non-Kuwaiti man to life imprisonment for the 2002 premeditated murder and attempted rape of a woman.

In December 2003, four Defense Ministry cadets were arrested for raping a female citizen of minor age. In December 2003, a citizen teacher reportedly raped an 11-year-old male pupil in a school bathroom. In November 2003, the Public Prosecutor interrogated several police officers accused of raping a Filipina housemaid in a police station. The suspects were detained at year's end pending investigation.

In January 2003, the Court of Appeals upheld a Criminal Court verdict sentencing a Bangladeshi man to death for kidnapping, raping, detaining, and forcing two foreign women into prostitution in Mangaf district. Also in January 2003, the court upheld a 15-year prison sentence handed down to a police officer who kidnapped and raped a woman. In previous years, the Government imposed severe penalties, including the death sentence, for particularly egregious rape cases. In April, two Saudis and one Kuwaiti were sentenced to death for raping and killing a girl.

The physical or sexual abuse of foreign women working as domestic servants was a pervasive problem. Some employers physically abused foreign women working as domestic servants, and, despite economic and social difficulties for a domestic servant who lodged a complaint, there were continuing reports of the rape of such women by male employers. The local press devoted considerable attention to the problem, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. Some rapes resulted in pregnancies, and there were reports of illegal abortions. Occasionally, domestic workers were charged with assaulting their employers; in such cases, the workers claimed that they acted in response to physical abuse or poor working conditions. There also were dozens of reports of domestic workers allegedly committing or attempting to commit suicide because of desperation over poor working conditions or abuse.

In February, an Asian maid accused six citizens, four men and two women, of assaulting her because of her refusal to withdraw a rape case she filed against her sponsor's son.

In July, the Court of Appeals refrained from passing a sentence against a man, but ordered him to sign a pledge of good conduct for a year for raping his housemaid. In June, the Criminal Court found him guilty but did not sentence him because of "family circumstances" and also because he had no past criminal record.

In October, an Asian maid committed suicide by hanging herself with a rope inside her sponsor's house. In August, an Indonesian maid jumped to her death from the balcony of her sponsor's apartment. Another Asian maid, in August, jumped from the second floor of her sponsor's villa and was taken to a local hospital.

Human rights activists have characterized sexual harassment against women in the workplace as a pervasive but unreported problem. In October 10 adolescent males in the fifth grade were expelled from school for allegedly sexually harassing their female teacher.

Foreign-born domestic employees have the right to sue their employers for abuse, but few do so, fearing judicial bias and deportation. Local news sources reported a few criminal cases filed against abusive employers by domestics, but informal out-of-court conciliation was attempted in most cases, usually with the assistance of the domestic's source country embassy. The Government deported many runaway domestics. A specialized police facility and a government domestic labor office investigated and resolved some complaints. In April 2003, the Government licensed a new union, the Kuwait Union of Domestic Labor Offices, charged with monitoring the activities of labor recruitment agencies and raising awareness among employers on the treatment of domestics. During 2003, the union distributed educational brochures to both employers and newly arrived domestics on their rights and obligations.

In August, the Emir's private plane was used twice to repatriate hundreds of stranded Sri Lankan citizens who had suffered abuse while in the country. Hundreds of Filipina maids who managed to escape from their sponsors' homes also were repatriated to Manila after seeking refuge within the Philippine Embassy. During the year, nearly 200 Indonesian domestic workers were repatriated via Kuwait Airways charter flights with the assistance of the Foreign and Interior Ministries. The Ministry of Interior sometimes paid for return airline tickets for runaway or abused domestic servants if their employers refused to provide tickets. Some NGOs, such as the Kuwait Human Rights Society and the Kuwait Friendship Society, also have paid for return

airline tickets or legal fees on behalf of runaway or abused domestics. Employers often accused their runaway domestics of theft or other crimes to avoid furnishing tickets. In such cases, the domestics often were deported without owed compensation. The Ministry of Interior blacklisted some delinquent employers, preventing them from sponsoring additional domestics. In practice, some blacklisted employers were able to hire new domestics due to their connections with police officials or other authorities.

The Government prosecuted some employers accused of abusing their foreign-born domestic servants. In March 2003, the High Court of Appeals overturned the acquittal by the Criminal Court of a female citizen charged with beating and burning her maid with an iron bar by fining her approximately \$3,400 (1,000 KD) and ordering her to sign a pledge of good conduct. In practice, however, enforcement of such pledges appears to be weak. In February 2003, police detained a male citizen for allegedly raping his housemaid repeatedly over a period of 1 year. The maid took shelter in her source country embassy during the year.

There were a number of cases still pending resolution in which foreign-born domestic employees were tortured, severely beaten, or died at the hands of their employers. There were no developments in the 2002 case of an Indian maid who was beaten severely and tortured.

Runaway servants, including many women alleging physical or sexual abuse, often seek shelter at their country's embassy pending repatriation or a change in employer (see Sections 6.c. and 6.e.). Of an estimated 500,000 domestic servants in the country, approximately 1,000 women were reported to be in informal shelters run by source-country embassies during the year. Many runaway domestics remained in embassy shelters for months pending new employment or departure from the country. The Government does not prevent runaway domestics from seeking shelter in their host country embassies. There are no official shelters for victims of domestic violence or abuse in Kuwait. There are a few unofficial homes for abused children nominally run by the Ministry of Social Affairs and Labor.

Some unemployed, runaway foreign domestic workers were susceptible to recruitment into prostitution. In January 2003, a Bangladeshi man allegedly detained three Asian women inside an apartment in a remote district and forced them into prostitution. In May 2003, a Bangladeshi man and two accomplices allegedly kidnapped two Asian women, detained them inside an apartment, and forced them into prostitution. Police arrested the man in May 2003. The police actively enforced laws against pandering and prostitution, with arrests reported almost every week. Prostitutes generally were deported to their countries of origin. In recent years, procurers received stiff jail terms. There were several reports during the year of procurers kidnapping maids off the street and forcing them into prostitution.

"Honor crimes" are prohibited; however, some provisions of the penal code reduce penalties for these crimes.

In 2002, the High Court of Appeals upheld the original 2002 Criminal Court verdict sentencing a woman to life imprisonment and her three male accomplices to death for a 2002 "honor" killing of a 6-year-old girl. The citizens filed an appeal during the year, and the Supreme Court of Appeals began considering their appeal in December 2003.

There were some reports of women, mainly from Asia, who were trafficked into the country into situations of coerced labor, where they often suffered from physical abuse or other extreme working conditions. Some female domestic servants, who ran away from their employers due to abuse or poor working conditions, were recruited or kidnapped into prostitution.

Women continued to experience legal, economic, and social discrimination. Women do not have the right to vote (see Section 3) or run for election to the National Assembly. Their testimony is worth half that of a man's in proceedings before the family courts (see Section 1.e.). Married women require their husbands' permission to obtain a passport (see Section 2.d.). The Government forbids marriage between Muslim women and non-Muslim men (see Sections 1.f. and 2.c.). Inheritance is governed by Islamic law, which differs according to the branch of Islam. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased. Citizen families (a "family" must always include a male) are entitled to receive a plot of land and an approximately \$238,000 (70,000 KD) interest-free government loan ("housing allowance") through the Credit and Savings Bank to purchase a house. The Government registers the house in the names of both the husband and the wife. However, in case of divorce, a female citizen loses her rights to the house regardless of any payments she may have made on the loan. She may continue to reside in the house if she has custody of any minor children resulting from the marriage, but she must move once the children reach age 18. A divorced single mother and her minor children or a female citizen married to a foreign national cannot, by law, qualify for the government housing allowance.

The Government makes family entitlement payments approximately \$170 (50 KD) per child up to the seventh child to the employed parent, almost always the father. In divorce cases, the Government continues to provide these payments to the divorced father, who is expected by law and custom to provide for his children, although custody of minor children is almost always awarded to the mother.

The law provides for female "remuneration equal to that of a man provided she does the same work." This provision often was not generally respected in practice. The law prohibits women from working in "dangerous industries" and trades "harmful" to health. Educated women maintained that the conservative nature of society limited career opportunities. An estimated 33 percent of female citizens of working age were employed. Many women were employed as professors, attorneys, physicians, bankers, engineers, and businesswomen. A few women have been appointed to senior positions in the Ministry of Education, Ministry of Planning, and the state-owned Kuwait Petroleum Corporation. There was one female ambassador and two female undersecretaries; however, there were no female judges or prosecutors. During 2003, the Government appointed and assigned

female diplomats overseas to expand the public position of women.

There is no specific law that addresses sexual harassment; however, serious problems remained.

The law discriminates against female citizens married to foreign men. Unlike male citizens, such women are not entitled to government housing subsidies. The law also requires women to pay residence fees for their husbands and does not recognize marriage as the basis for granting residency to foreign-born husbands. Instead, the law grants residency only if the husband is employed. By contrast, male citizens married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

Many classes at Kuwait University are segregated by gender. Construction is underway on a separate campus for female students, who comprise approximately 70 percent of the total student body at the university.

Polygyny is legal; however, it is more common among tribal elements of the population.

Several organizations followed women's issues, among the most active of which were the Women's Cultural and Social Society, the Women's Affairs Committee, Kuwait Economic Society, Kuwait Human Rights Society, and the Social Reform Society Women's Committee.

Children

The Government is generally committed to the rights and welfare of citizen children. Citizen boys and girls receive a free education through the university level, often including advanced degrees and the opportunity to study abroad. Primary education is universal and compulsory. UNICEF estimates net primary enrollment at 66 percent. The Government provides free health care and a variety of other services to citizen children; non-citizen children must pay a small fee to be admitted into a health facility and pay additional fees for specialized care.

Citizen parents also receive a monthly government allowance of approximately \$170 (50 KD) for each child up to the seventh child. The Government makes these payments to the employed parent, usually the father, and continues to provide these payments to the father even if the parents are divorced and the father does not have custody of the children. There is no legal requirement governing its use and anecdotal evidence suggests that many non-custodial fathers were not using it to contribute to the care and welfare of their children. There did not appear to be any monitoring of how the funds are spent.

There was no societal pattern of abuse; however, there were some cases of young children raped by men or gangs of youths. In September, an Army first lieutenant allegedly kidnapped and molested a 10-year old boy. The suspect has reportedly confessed to the crime. In April, the Court of Cassation, the Supreme Court of Appeals, upheld a death sentence for two Saudi brothers and a Kuwaiti for the 2002 kidnapping, rape, and murder of a 6-year-old girl. In December 2003, the Public Prosecutor referred to the Criminal Court the case of a citizen teacher accused of raping an 11-year-old boy.

In February 2003, a police officer allegedly raped a 9-year-old male citizen. In June 2003, the Criminal Court sentenced a male citizen to death for kidnapping, raping, and murdering a Pakistani child. The citizen appealed the verdict, and the High Court of Appeals began hearing testimony in December 2003. There were incidents of arrests in some child abuse cases but no reported convictions.

There are a few unofficial homes for abused children nominally run by the Ministry of Social Affairs and Labor. There are credible reports that some caretakers abuse some of these children while they are living in these homes, or that they are used for prostitution. The conditions in these homes are reportedly very poor.

Some tribal groups continued to marry girls under age 17.

There were credible reports of underage South Asian and Southeast Asian girls working as domestic servants.

Young boys, reportedly from South Asia and Africa, were trafficked into the country to be used as camel jockeys. Many of the jockeys came to the country from racing during the season in other Gulf nations. Some boys as young as 5 or 6 years old were reportedly used as camel jockeys. In response to growing criticism, the Government mandated in 2003 that all camel jockeys must be at least 18 years of age. In early part of the year, camel races continued to take place involving young boys approximately 5 or 6 years of age. In March, the Ministry of Social Affairs and Labor issued a decree banning the employment of children under the age of 18 and placing a minimum weight regulation of 45 kgs (approximately 100 lbs). There was no indication that underage children were used as camel jockeys after April.

There were no reported cases of sexual exploitation of youths used as camel jockeys.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although laws against slavery, prostitution, forced labor, coercion, kidnapping, and other acts can be used collectively to prosecute traffickers. The Government has ratified some international conventions that commit it to apply these laws. The country is a destination for internationally trafficked men, women, and children. The problem principally is one of foreign workers, mostly female, coming to work as domestic servants but being abused by their employers or coerced into situations of debt bondage or involuntary servitude.

During the year, the Government highlighted its efforts to combat trafficking and improve protections for female workers. In January, high-level government officials, labor representatives, and NGOs participated in the first-ever public trafficking in person (TIP) seminar held in the country to discuss the treatment of domestic servants and propose solutions to improve protection of their rights and welfare. The Interior Ministry (MOI) required all Kuwaiti sponsors to sign a standardized contract with the labor recruitment agency, outlining the rights and responsibilities of both parties. MOI officials also claim that the Government has revoked the licenses of 556 poor performing and abusive labor recruitment agencies since 1993. There are 514 licensed agencies currently operating.

In at least a dozen incidents reported by local newspapers during 2003, procurers kidnapped domestic servants and other foreign-born female workers off the street and forced them into prostitution. Most victims do not report these crimes. During 2003, there were several reported incidents of police raiding prostitution rings and arresting both organizers and prostitutes. In February 2003, the Criminal Court fined an expatriate woman approximately \$10,200 (3,000 KD) and sentenced her to 3 years in jail, followed by deportation, for running a brothel and forcing other expatriate women into prostitution. In March 2003, police arrested six men and seven foreign prostitutes in a 2-hour crackdown in Farwaniya district. In April 2003, police raided three prostitution "houses" and arrested 10 Asian female prostitutes in an outlying district, Jleeb Al-Shuyoukh, populated mainly by expatriate workers.

In January 2003, the High Court of Appeals upheld the verdict of the Criminal Court and sentenced a Bangladeshi man to death for kidnapping, raping, and forcing two foreign women into prostitution. The man reportedly bought one of the women for \$850 (250 KD) from another unidentified man. In February 2003, the Court of Appeals upheld the verdict of the Criminal Court and sentenced a woman to 3 years in prison and imposed a \$10,200 (3,000 KD) fine for running a prostitution ring and holding several foreign women captive. In 2002, a foreign development agency report on female foreign workers in the country revealed that in most trafficking cases, local manpower agents or visa traders had promised women domestic work. However, upon arrival, numerous migrants were expected to provide sexual services in addition to their domestic duties, and some were forced to engage in prostitution exclusively.

The Government took some measures to help combat trafficking. A conciliation center attached to a district police station processed some complaints filed by domestic servants or their source country embassies against abusive or exploitative employers. A government domestic labor office, under the authority of the Ministry of Interior, investigated and resolved some labor complaints. The Government formed an inter ministerial committee of representatives from the Ministry of Foreign Affairs, Ministry of Interior, and Ministry of Social Affairs and Labor to discuss strategies for protecting the rights of domestic employees. The committee held its first meeting in May 2003. In April 2003, the Government approved the establishment of a new association, the Kuwait Union of Domestic Labor Offices, to monitor more closely the activities of domestic labor recruitment agencies in the country and to educate employers and domestics about their rights. At year's end, 50 labor recruitment agencies, reportedly representing about 70 percent of all domestic servants in the country, were members of the association. There were no specific reports of government or police involvement in trafficking during the period covered by this report.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrain from hiring persons with disabilities without reasonable cause. There was no reported discrimination against persons with disabilities in employment, education, or in the provision of other state services. In 1996, the National Assembly passed legislation on the rights of persons with disabilities. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. The Government paid stipends to citizens with disabilities, which covered transportation, housing, job training, and social welfare. There were no similar provisions for non-citizens.

National/Racial/Ethnic Minorities

The legal status of tens of thousands of bidoon residents remained unresolved. The bidoon (an Arabic term meaning "without" as in "without citizenship") are Arabs who have residency ties to the country, some persisting for generations and some for briefer periods, but who either lack or have failed to produce documentation of their nationality. The exact number of bidoon residents is unknown, but has been estimated at upwards of 100,000. Since the mid-1980s, the Government has actively discriminated against the bidoon in areas such as education, medical care, employment and mobility.

In a positive change from the past, this year, the Ministry of Education approved free education for all children of bidoon parents. This change took effect with the September opening of the school year. During the year, it was also announced that bidoon would receive free health care starting at the beginning of 2005. Reportedly, the Health Ministry will no longer ask for fees from bidoon. The Waqf Health Fund, a partially government-funded program, has signed contracts with several insurance companies to pay the fees for bidoon health services.

Although the Government eliminated the bidoon from the census rolls and discontinued their access to most government jobs,

some bidoon work in the armed forces and are now being accepted in the institutions of the Public Authority for Applied Education and Training. The Government has denied the bidoon official documents such as birth certificates, marriage certificates, civil identification, and drivers' licenses, which made it difficult for many unregistered bidoon, particularly younger bidoon, to find employment. The Government does not issue travel documents to bidoon routinely, and, if bidoon travel abroad without documentation, they risk being barred from returning to the country unless they receive advance permission from immigration authorities. The children of male bidoon inherit their father's undetermined legal status, even if born to citizen mothers.

Only bidoon registered by June 27, 2000, could begin the process under which they could be documented as citizens. According to this law, bidoon who were able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) were eligible to apply for citizenship directly. The Government maintained that at least 40 to 50 percent of the bidoon were concealing their true identities. While the law allows up to 2,000 registered bidoon to be naturalized each year, the Government only granted citizenship to approximately 1,600 in 2003. However, an additional 5,500 bidoon in 3 categories, wives of citizens, sons of female citizens married to bidoon, and those whose male relatives are citizens, have been permitted to apply for citizenship beyond the 2,000 per year limit.

Many bidoon are unable to provide documentation proving sufficient ties to the country or present evidence of their original nationality, as they are truly stateless. Others (the Government claims 26,000 over the past several years) have disclosed their true nationalities and have obtained passports from their countries of origin (Iraq, Iran, Syria, Jordan, and Saudi Arabia). Once documented, bidoon are able to obtain residency permits and other official papers.

The political, economic, and long-term budgetary implications associated with extending citizenship (and the generous welfare benefits that come with it) to the equivalent of roughly 5 percent of the population have rendered the issue highly divisive. Some National Assembly members have threatened to question cabinet ministers, including the Minister of Education and Prime Minister, publicly over the issue. During 2003, the Ministry of Defense approved granting citizenship to an estimated 400 bidoon who participated in the liberation of the country from Iraqi occupation. The Minister of Interior proposed that deceased bidoon among the "Kuwaiti missing persons" whose remains had been identified in Iraq be naturalized, thereby allowing their surviving bidoon family members to gain citizenship. This proposal had not yet been approved at year's end.

In 2002, the Government mandated that those who did not register by the June 27, 2000 cut-off date and did not rectify their nationality status by either disclosing their true nationality or furnishing evidence of their citizenship would be subject to deportation as illegal residents. However, no such action was taken. There were no reports during the year of the Government deciding the nationality of any bidoon without a hearing. As a result of what allegedly were fraudulent citizenship applications, the Government brought forgery charges against several bidoon applicants since July 2001. The only reported forgery conviction was in 2001. There continued to be reports of bidoon obtaining false documents in order to apply for citizenship.

Section 6 Worker Rights

a. Right of Association

The law provides that most workers have the right to join unions. Foreign laborers employed as domestics constitute a third of the foreign labor force and are specifically excluded from the right to associate and organize. However, for those workers who can join unions, the Government restricted the right of freedom of association to only one union per occupational trade, and permitted unions to establish only one federation.

Approximately 60,000 persons, less than 4 percent of a total work force of 1.55 million, were organized into unions, of which 14 were affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. The Bank Workers Union and the Kuwait Airways Workers Union were independent of the KTUF. The law stipulates that any new union must include at least 100 workers, 15 of whom must be citizens. Both the ILO and the International Confederation of Free Trade Unions (ICFTU) have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and much of the private sector. Only about 12.5 percent of employed citizens worked in the private sector during the year. Despite KTUF complaints about the need for an updated law, draft proposals for a new labor law have stalled for more than 10 years.

The Government licensed 20 new unions during the year, including EQUATE Petrochemicals Company Workers Union, the Kuwait Company for Gulf Oil Workers Union, the Kuwait Ports Authority Workers Union, and the National Council for Culture, Arts, and Letters Workers Union.

In 2003, the Government implemented the National Manpower Support Law, a new law aimed at increasing the number of citizens employed in the private sector. During the year, the Ministry of Social Affairs and Labor reported that Article 15 of this law, requiring the establishment of a bank account for every foreign worker to ensure that workers are paid in a timely and transparent manner, had been ratified and is enforced. Interviews with foreign embassy officials representing some of the largest numbers of laborers in the country, as well as interviews conducted with a large cross section of domestic and unskilled foreign laborers indicated that, in practice, Article 15 often was not enforced.

Also in 2003, the Government overturned a 1985 Council of Ministers decree prohibiting the licensing of new associations

(NGOs, syndicates, and unions). The former Social Affairs and Labor Minister licensed 18 new worker "syndicates" in the presence of ILO officials the same year. There is a workers syndicate for the Health Ministry, the Education Ministry, and various other ministries. Syndicates, referring to a sector-specific grouping of workers, collectively, comprise unions, such as the Government Worker's Union, although these terms can be used interchangeably. Workers' unions are essentially treated as para-statal organizations (NGOs in local parlance), which receive large government subsidies for infrastructure and operating costs after vetting and approval by the Ministry of Social Affairs and Labor. The expanded unions tend to benefit only citizen laborers employed in the public sector, while expatriate workers continue to face restrictions. The ILO has urged new syndicates, and all unions, to expand their membership base and raise their own funds in order to preserve their independence from government interference. As a result, many of the syndicates and unions are pressing for greater GOK subsidies, the Government is reluctant to license additional syndicates or NGOs.

The Government's pervasive oversight powers further eroded union independence. The Government subsidizes as much as 90 percent of most union budgets and may inspect the financial records of any union. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals," although such a court decision may be appealed. The Emir also may dissolve a union by decree. By law, the Ministry of Social Affairs and Labor is authorized to seize the assets of any dissolved union. The law subordinates the legal existence of the unions to the power of the State; however, no union has been dissolved.

The most recent government statistics cite approximately 1.26 million foreigners as employed in the country, comprising over 80 percent of the labor force. However, foreign workers constitute less than 5 percent of the unionized work force. The labor law discriminated against foreign workers by denying them voting rights and permitting them to join unions only after 5 years of residence, although the KTUF stated that this requirement was not widely enforced in practice. Any foreign worker covered under the labor law, which excluded maritime workers and an estimated 500,000 domestic servants, could submit a grievance to the Labor Office regardless of union status; however, such services were not utilized widely.

The labor law prohibits antiunion discrimination. Any worker who alleges antiunion discrimination has the right to appeal to the judiciary. There were no reports of discrimination against employees based on their affiliation with a union. Employers found guilty of such discrimination must reinstate workers fired for union activities.

Unions may affiliate with international bodies. The KTUF belonged to the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

In August, the Government commissioned the KTUF to examine the issues involved in establishing formal representation of foreign workers in the country. Although no action has been taken on this measure, such a move would dramatically alter the nature of labor in the country, permitting across-the-board demands for wage increases and better working conditions.

b. Right to Organize and Bargain Collectively

With the notable exceptions of the country's approximately 500,000 domestic servants and maritime employees, the labor law provides workers with the rights to organize and bargain collectively, subject to certain restrictions, and the Government generally respected them in practice. Domestic servants may not organize or bargain collectively; they suffer from low wages and often abuse at the hands of their employers. The labor law does not provide for a minimum wage for either domestic servants or private sector workers. Foreign private sector workers are allowed to join unions, but they are barred from leadership positions.

The labor law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most disagreements were resolved in such negotiations; if not, either party may petition the Ministry of Social Affairs and Labor for mediation. If mediation fails, the dispute is referred to a labor arbitration board composed of officials from the High Court of Appeals, the Attorney General's Office, and the Ministry of Social Affairs and Labor.

The Civil Service Law makes no provision for collective bargaining between government workers and their employers. Technically, the Government is responsible for establishing wages and employment conditions for civil service workers but generally determined benefits in consultation with civil service unions. Union officials resolved most issues at the working level and had regular access to senior officials.

The law limits the right of workers to strike. It requires all labor disputes to be referred to compulsory arbitration if labor and management are unable to reach a solution. The law does not contain any provision ensuring strikers freedom from legal or administrative action taken against them by the State. However, the Ministry of Social Affairs and Labor has been responsive to sit-ins or protests by workers who faced obvious wrongdoing by their employers. In June, supervisors of the Social Correction House staged a sit-in to protest its failure to provide enough protection against minor criminals and to seek better working conditions. In September, the Justice Ministry Workers Union staged a sit-in to protest workplace discrimination. Also in September, lawyers staged a sit-in at the Palace of Justice to protest alleged professional violations against a fellow attorney. During 2003, there were two partial strikes by employees of the Kuwait Municipality and the Finance Ministry; both were reportedly resolved amicably, and the employees attained most of their demands.

The Government cooperated closely with the ILO, which maintained a representative office in the country. The ILO Regional

Director for Arab States visited the country during 2003 and met with the Minister of Social Affairs and Labor to discuss labor reform issues. The ILO sent two senior officials in November 2001 to advise the Government on how to improve the country's labor situation. At the ILO's urging, the Government agreed to ratify the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work, but it has not yet submitted them to the National Assembly for ratification. The remaining two are #98 regarding freedom of association and collective bargaining and #100 regarding equal remuneration. These ILO conventions are a long way from ratification, as the recommendation has not yet been sent to the Cabinet for review and presentation to the National Assembly.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor "except in cases specified by law for national emergency and with just remuneration"; however, many unskilled foreign workers were treated like indentured servants (see Section 6.e.). The Constitution prohibits forced and compulsory labor by children; however, there were credible reports early in the year of young boys being used as camel jockeys, as well as of underage girls working as domestic servants (see Sections 5 and 6.d.).

Foreign workers generally may not change their employment without permission from their original sponsors unless they have been in the country for more than 2 years. Domestic workers are particularly vulnerable to abuses stemming from restrictions on transferring sponsorship because the labor law does not protect them. In many cases, employers exercised control over their servants by withholding their passports, although the Government prohibits this practice and, in some instances, acted to retrieve the passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants. They frequently faced poor working conditions and, at times, encountered physical or sexual abuse (see Sections 5 and 6.e.). Domestic servants who run away from their employers as a result of abuse or poor working conditions are routinely treated as criminals under the law as they fall under the purview of the Ministry of Interior rather than the Ministry of Social Affairs and Labor. There were dozens of reports during the year of police arresting and charging domestic servants with crimes such as violating immigration procedures, for attempting to escape from abusive employers. The police typically regarded such problems as matters of law and order, and not as legitimate labor conflicts. Employers or local labor recruitment agencies routinely withheld wages from domestic servants to cover the costs involved in bringing them to the country.

There were credible reports of illegal visa trading, a system by which local sponsors agree to extend their sponsorship (in name only) to foreign workers in exchange for a fee in the range of \$1,500 to \$4,000 (450 to 1,200 KD). Middlemen, generally foreigners, attracted workers from economically depressed countries, took a commission, and remitted the balance to the nominal sponsor. Once in the country, such agents transferred workers to employers in the informal sector or to parties that would otherwise be unable to sponsor them. Foreign workers recruited with traded visas not only faced possible prosecution for being engaged in illegal employment (that is, working for an employer other than their sponsor), but also were extremely vulnerable to extortion by employers, sponsors, and middlemen.

Visa and residence trading has resulted in a growing number of unemployed foreign workers in the country. Many are unable to earn enough money to pay the illegal fees often charged by their local sponsors or local labor recruitment agencies in exchange for residency and work permits. Many suffered from abuse or mistreatment at the hands of their unofficial employers. Abused foreign workers employed on the basis of illegally traded visas typically failed to report incidents of abuse or poor working conditions to authorities due to their illegal immigration status. Government efforts to stop visa trading, such as by closing front companies for visa traders, have not made significant progress. There are laws aimed at curbing visa trading, with penalties against both employers and visa traders; however, the Government seldom enforced these laws.

The Labor Inspection Department of the Ministry of Social Affairs and Labor was responsible for carrying out routine inspections of all private firms to ensure that all registered foreign workers are actually employed by their legal sponsors. The Ministry suspended the files of employers caught violating labor regulations. During its most recent review, the Ministry of Labor reported 5,154 labor violations from 1,200 firms. There were 826 work permit dispute complaints and 1,078 individual labor-related work complaints. Many of these "violations" involved occupational health, environmental, and safety problems, and poor working conditions. The ministry has reportedly suspended over 1,500 employer files to date for possible labor violations.

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Law prohibits child labor, forced or compulsory labor, and exploitation of workers. Child labor was not a significant problem; however, there were credible reports of some South and Southeast Asian children under 18 years of age working as domestic servants. Such underage workers reportedly falsified their ages in order to enter the country. Some very young boys (reportedly from the Sudan, Bangladesh, Pakistan, Eritrea, and Yemen) also were used as camel jockeys (see Sections 5 and 6.c.). In March, the Ministry of Social Affairs and Labor issued a decree banning the employment of children under the age of 18 and placing a minimum weight regulation of 45 kilograms (approximately 100 pounds). The decree, however, references parental consent implying that employment and not participation is being banned. Despite this legal loophole, there was no indication that underage children were used as camel jockeys after April. Some businessmen employed their children on a part-time basis.

The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between the ages of 14 and 18 in certain trades. Juveniles may work a maximum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

The Government has ratified 18 ILO conventions, including 6 of the 8 core conventions. Among the ratified conventions are those prohibiting servitude and forced labor, and Convention 182 concerning the prohibition and elimination of the worst forms of child labor. The Labor Inspection Department of the Ministry of Social Affairs and Labor inspected private firms routinely during the year to monitor compliance with labor laws, including those against child labor. There were no reported Government programs to prevent exploitative child labor or remove children from such labor.

e. Acceptable Conditions of Work

The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An institutionalized two-tiered labor market ensured high wages for citizen employees, most of whom were in government white collar or executive positions, while foreign workers, even those in skilled positions, received substantially lower wages. Some Bangladeshi domestic workers reportedly earned as little as \$71 (21 KD) per month. There was no legal minimum wage in the private sector. In the public sector, the monthly legal minimum wage was approximately \$771 (227 KD) for citizens and approximately \$306 (90 KD) for non-citizens. However, non-citizens do not receive the same social benefits as citizens and must pay fees for education and health care, which are provided free for all citizens. The Government maintains a two-tier health care system that provides substantially lower quality care to non-citizens. The best, most effective medicines, even for serious illnesses, and certain kinds of specialized treatment officially were reserved for citizens.

Private sector wages ranged from \$10,200 (3,000 KD) each month for top managers of large companies to between \$510 to \$2,550 (150 to 750 KD) for other skilled professionals and workers. The public sector minimum wage provided a decent standard of living for a worker and family. Wages of unskilled workers in the private sector did not always provide a decent standard of living, with housemaids often making less than \$119 (35 KD) per month. To be eligible to sponsor family members for residency, government and private sector workers must receive a minimum wage of \$1,360 (400 KD) per month. Many foreign workers who met or exceeded the minimum income threshold often waited months for government approval to sponsor their immediate family members to the country. During 2003, the Government exempted public school teachers from the minimum salary threshold for sponsoring family members.

The labor law establishes general conditions of work for the private sector, with the oil industry treated separately. The Civil Service Law also prescribes additional working conditions for the public sector, which consisted almost entirely of citizen workers. The labor law limits the standard workweek to 48 hours with 1 full day of rest per week, 1 hour of rest after every 5 consecutive hours of work, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. In 2000, the Government implemented an unemployment allowance program for citizens unable to find jobs in the public sector or with private companies. The program provides regular allowance payments averaging \$340 (100KD) to unemployed citizens until they found jobs. There were no reported cases of abuse of this program during the year. Domestic servants, who specifically are excluded from the labor law, and other unskilled foreign workers in the private sector frequently worked greatly in excess of 48 hours, often with no day of rest and no annual leave.

In amendments to the Labor Law in the Private Sector implemented in 1997, the Government extended the weekly 24-consecutive-hour rest period to temporary workers employed for a period of less than 6 months and workers in enterprises employing fewer than five persons. The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing working conditions were not applied uniformly to foreign workers.

During the year, the Interior Ministry's Domestic Labor Department implemented new measures designed to protect the welfare of domestic servants. The first was an extension from 3 to 6 months during which labor recruitment agencies are responsible for resolving labor disputes involving domestic servants. If problems occur after the 6-month period, the sponsor or employer is responsible by law to resolve them. The Interior Ministry has implemented a new arrangement whereby a ministry officer investigates and resolves labor disputes in cooperation with the laborers' representative embassies. Officers have been assigned within the Domestic Labor Department to liaise specifically with the Indonesian, Philippine, Sri Lankan, and Indian Embassies on labor problems.

The Government has issued occupational health and safety standards; however, compliance and enforcement appeared poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspected enterprises to raise awareness among workers and employers and to ensure that they abided by safety rules, controlled the pollution resulting from certain dangerous industries, trained workers who used new machines in specialized institutes, and reported violations. Workers had the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection existed for both citizen and foreign workers who filed complaints about such conditions. However, Government attention to worker safety issues remained insufficient, resulting in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

The law provides that all outdoor work stop in the event that the temperature rises above 120 degrees Fahrenheit; however, there were allegations that the Government's Meteorological Division falsified official readings to allow work to proceed. The Meteorological Division consistently denied these allegations. In the past, recorded temperatures reached 120 degrees Fahrenheit, but work reportedly continued at many outdoor locations.

Employers often exploited workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, lived and worked much like indentured servants, were unaware of their legal rights, and generally lacked the means to pursue legal remedies. They frequently faced contractual disputes and poor working conditions, and sometimes physical and sexual abuse (see Sections 5 and 6.c.). Most were in debt to their employers before they arrived in the country, and they had little choice except to accept the employer's conditions, even if they breached the contractual terms. It was not uncommon for wages to be withheld for a period of months or to be decreased substantially in violation of their labor contracts. Many foreign workers were forced to live in "housing camps," which generally were overcrowded and lacked adequate cooking and bathroom facilities. Workers were housed 10 or more to a room in squalid conditions, many without access to adequate running water. The workers were only allowed off the camp compound on company transport or by permission of the employer. Many foreign workers went heavily into debt and could not afford to return home.

The labor law discriminates against foreign workers by limiting their ability to join unions (see Section 6.a.). The KTUF administered an Expatriate Labor Office, which was authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services were not utilized widely. Any foreign worker could submit a grievance to the labor office regardless of union status.

The Labor Law provides for employer-provided medical care and compensation to both citizen and foreign workers disabled by injury or disease due to job-related causes. Once a worker filed a claim, the courts decided the amount of compensation, which was typically paid in a lump sum rather than in monthly payments. Workers, especially foreigners, have had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. Adequate and affordable health care is a serious problem for many foreign workers. Official health policies discriminated against foreigners in the provision of medicines and treatment. Foreigners must pay yearly medical coverage fees to the Ministry of Health and additional fees each time they received medical care, required tests, specialized procedures, or medication. Many employers deducted the medical fees from employees' salaries. Foreign workers and their family members must pay these yearly government-mandated medical coverage fees to obtain or renew residency or work permits. In September 2003, more than 1,000 foreign workers protested at the Ministry of Health against reported delays in processing their medical claims (see Section 2.b.). The Ministry reportedly called in security officials to disperse the crowd. There were no reports of violence or arrests.

It was common for employers to confiscate and withhold the passports of their domestic servants illegally, preventing them from departing the country. Maids paid the same amount or more than other unskilled or semiskilled workers for visas to work in the country.

Runaway servants often sought refuge at their source country embassies for either repatriation or assistance in dealing with employers. The number of runaway servants in need of assistance remained significant during the year as conditions for domestic employees remained poor.

Although most such workers sought shelter due to contractual or financial problems with their employers, some women also alleged physical or sexual abuse. Some embassies continued to report the steady occurrence of physical abuse and mistreatment involving domestic servants, including withheld salaries, overwork, and inadequate food. Each Government has attempted to register its nationals who arrive to work in the country as domestic employees and to regulate recruiting agents in their home countries, with some success. Limited services provided by the police facility designated to mediate among embassies, domestic workers, and employers made it very difficult for domestic servants to file complaints, receive withheld salary, or reach settlement in cases of mistreatment. Domestic servants must deal with neighborhood police stations, whose personnel are untrained and inexperienced in handling such cases and often side with the employer. Source country embassies reported widespread police harassment of and discrimination against domestic servants during the year (see Sections 5 and 6.c.).

Some countries warned their female citizens about the risks of exploitation or banned them altogether from working in the country as domestic servants. Some years ago, the Government of India temporarily banned its nationals from working in the country as domestic employees, but Indian nationals continued to buy visas and enter the country as domestic workers. The Government of India limits the granting of domestic work permits for the country to women over age 30 and only from specific states, which has helped reduce some employment problems. The embassy reported that it received approximately 40 calls per month from Indian workers, including domestic servants, complaining of employment problems. The Embassy of Bangladesh estimated that 90 percent of the approximately 160,000 Bangladeshi workers in the country were unskilled laborers and that 30 percent of these workers received no salaries from their private sector employers, while 10 percent of Bangladeshi domestics were paid nothing beyond room and board. The embassy reported that it received approximately 100 calls per month from Bangladeshi workers, including domestic servants, complaining of serious employment problems. Of the approximately 130 runaway Filipina domestic servants in the Philippine Embassy shelter, on average, at any given time during the year, approximately 30 percent reported some form of mistreatment by their employers and 6 percent reported sexual abuse.

The courts rule in favor of employees in an estimated 90 percent of the labor disputes they hear; however, no legal mechanism exists to enforce judgments. There is no compulsion for employers to obey court rulings, and workers often do not receive court-ordered compensation. Employers also reportedly use illegal methods to pressure foreign employees to drop cases against them, such as withholding their passports, encouraging police intimidation and brutality, threatening deportation, and filing criminal charges against them for fabricated crimes, such as theft.